

REMARKS

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 37-70, drawn to a modified animal cell or progeny thereof, classified in class 435, subclass 325; and
- II. Claims 71-88, drawn to a non-human animal comprising a modification in a target DNA sequence, classified in class 800, subclass 8.

The Examiner contends that the inventions of Groups I-II are unrelated. The Examiner also required restriction to a species of animal from a non-murine animal, a non-human animal, a mammal, a vertebrate and a mouse. The Examiner further required restriction to a species of cell type.

In response, Applicants provisionally elect with traverse to prosecute the invention of Group I, *i.e.*, directed to a modified animal cell or progeny thereof. Applicants further provisionally elect the mouse and embryonic stem cells as the respective species for prosecution in the present application. Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim pursuant to 37 C.F.R. § 1.141. Applicants reserve the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Claims 37-88 have been canceled without prejudice. Applicants fully reserve the right to prosecute canceled and non-elected subject matters in one or more related applications. New Claims 89 to 127 have been added. The new claims are directed to a composition comprising a modified animal cell or a progeny thereof, which fall within the elected invention of Group I. No new matter has been added by these amendments. Support for new Claims 89 to 127 is found in the specification at page 1, line 15 to page 2, line 23; page 3, line 18 to page 12, line 19; page 14, line 23 to page 15, line 34; page 16, line 3 to page to page 19, line 16; page 23, line 7 to page 24, line 26; page 26, line 13 to page 27, line 11; page 28, lines 30-32 and page 31, lines 19-22; and the originally filed claims. Upon entry of the above-made amendments, Claims 89 to 127 will be pending.

Entry of the foregoing amendments and consideration of the foregoing remarks are respectfully requested. No fee is believed to be due for this amendment. Should any fee be required, please charge such fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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